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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,557	11/22/2000	Mark Moriconi	PA1630US	5061
23910	7590	09/29/2006	EXAMINER	
FLIESLER MEYER, LLP FOUR EMBARCADERO CENTER SUITE 400 SAN FRANCISCO, CA 94111			PYZOCHA, MICHAEL J	
			ART UNIT	PAPER NUMBER
			2137	

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/721,557

**Applicant(s)**

MORICONI ET AL.

**Examiner**

Michael Pyzocha

**Art Unit**

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 57,58,63,64,72,73,81,82 and 90-95 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 57,58,63,64,72,73,81,82 and 90-95 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20060711</u> . | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2137

**DETAILED ACTION**

1. Claims 57-58, 63-64, 72-73, 81-82 and 90-95 are pending.
2. Amendment filed 08/24/2006 has been received and considered.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 57, 63, 72, and 81, rejected under 35 U.S.C. 103(a) as being unpatentable over Brownlie et al (US 6202157) in view of Gai et al (US 6167445) and further in view of Guedalia et al (US 6148333).

As per claims 57, 63, 72, and 81, Brownlie et al discloses a policy manager for creating and distributing a security policy which includes a plurality of rules customized to the client and an application guard for managing access to securable components including at least one application as specified by the security

Art Unit: 2137

policy (see column 4 lines 16-52; column 5 lines 1-5 and column 3 lines 25-34).

Brownlie fails to disclose the specific global and local policies and allowing or preventing access based on a user request, which includes a subject, an object and a privilege.

However, Gai et al teaches such global and local policies (see column 18 lines 24-35) and Guedalia et al teaches allowing or preventing access based on a user request, which includes a subject, an object and a privilege (see figures 1 and 2 and column 9 line 45 through column 10 line 30 and column 11 lines 14-65).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Gai et al's teaching of global and local policies in the Brownlie et al system and to provide access control based on a request to the securable components of Brownlie et al.

Motivation to do so would have been to have a policy for all interfaces and to apply local roles at each interface (see column 18 lines 24-35) and to control access, track user requests and usage (see Guedalia et al column 4 lines 32-35).

5. Claims 58, 64, 73, and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Brownlie et al,

Art Unit: 2137

Gai et al, and Guedalia et al system further in view of Luckenbaugh.

As per claims 58, 64, 73, 82, 90, 92 and 94, the modified Brownlie et al, Gai et al, and Guedalia et al system fails to disclose managing access to functions of applications.

However, Luckenbaugh teaches managing access to portions of applications (see Luckenbaugh column 4 line 58 through column 5 line 5 and the abstract), and Official Notice is taken that at the time of the invention it would have been obvious to one of ordinary skill in the art for to monitor portions of applications and for the portions to be functions.

Motivation to do so would have been to control access to portions of resources capable of running an application (see Luckenbaugh et al column 4 line 58 through column 5 line 5) and that functions are self-contained software routines that perform a specific task.

As per claims 90, 92, and 94 the modified Brownlie et al, Gai et al, Guedalia et al, and Luckenbaugh system discloses the application guard further allows for additional customized code to process and evaluate authorization requests based on the additional customized code (see Luckenbaugh column 8 lines 21-40).

Art Unit: 2137

6. Claims 91, 93, and 95 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Brownlie et al, Gai et al, and Guedalia et al, and Luckenbaugh system as applied to claims 90, 92, and 94 above, and further in view of Balassanian (US 6324685).

As claims 91, 93, and 95, the modified Brownlie et al, Gai et al, and Guedalia et al, and Luckenbaugh system fails to disclose the use of a global policy specifying access privileges.

However, Balassanian teaches such a global policy (see column 5 lines 54-65).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Balassanian's global policy as the modified Brownlie et al, Gai et al, and Guedalia et al, and Luckenbaugh system's policy.

Motivation to do so would have been that a uniform security policy could be implemented from a single machine (see Balassanian column 5 lines 54-65).

#### ***Double Patenting***

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple

Art Unit: 2137

assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 57, 63, 72, and 81 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 11, and 21 of copending Application No. 11/171104 in view of Guedalia et al. The copending claims disclose all the limitations except preventing access based on a user request, which includes a subject, an object and a privilege. However, Guedalia et al teaches allowing or preventing access based on a user request, which includes a subject, an object and a privilege (see figures 1 and 2 and column 9 line 45 through column 10 line 30 and column 11 lines 14-65).

Art Unit: 2137

At the time of the invention it would have been obvious to a person of ordinary skill in the art to provide access control based on a request to the securable components of the copending claims.

Motivation to do so would have been to control access, track user requests and usage (see Guedalia et al column 4 lines 32-35).

This is a provisional obviousness-type double patenting rejection.

#### ***Response to Arguments***

8. Applicant's arguments with respect to claims 57-58, 63-64, 72-73, 81-82 and 90-95 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



Art Unit: 2137

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

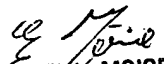
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2137

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP

  
**EMMANUELLE L. MOISE**  
**SUPERVISORY PATENT EXAMINER**